

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

AFFIDAVIT

BILLY RAY WYATT

I, Special Agent Randy N. Pope, being duly sworn state as follows:

1. I am a special agent with the Federal Bureau of Investigation (FBI). I have been so employed since October 1, 1995. I am currently assigned to the Memphis Division, Jackson Resident Agency. I am currently investigating federal violations concerning the sexual exploitation of children.

2. I am conducting an investigation into certain activities of BILLY RAY WYATT, age 53, and his use of a cellular telephone and the internet, means and facilities of interstate commerce, to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in sexual activity for which a person could be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b). The following information was obtained through observations and conversations of your Affiant personally, and through the assistance of other law enforcement agents and agencies, including their reports, and through other sources specifically named in this Affidavit. Since this Affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to arrest BILLY RAY WYATT for violation of 18 U.S.C. § 2422(b).

3. On February 7, 2013, Sgt. Buford Taylor, a school resource officer at Henry County High School in Henry County, was informed by a student that she had been receiving pictures and messages on her cell phone, and she believed the communications were coming from an adult male. The student told Officer Taylor of other female students she knew who were under the age of eighteen (18) and had been contacted by an adult male in similar fashion.

4. On February 11, 2013, Officer Taylor and Henry County Sheriff's Office (HCSO) Investigator Gary Vandiver interviewed seventeen year-old L.W., one of the students identified as having been contacted through social media by an adult male.

L.W. acknowledged that about one year ago, when she was sixteen (16), she had been contacted through social media by a person who L.W. initially believed was a teenaged girl, but who turned out to be an adult male.

5. L.W. reported that in 2012, she maintained a profile on the social media website meetme. According to the website meetme.com, meetme is a social network "where new friends meet." Meetme is free to join, and is designed to be used on smart phones and mobile devices connected to the internet. To join, a person must provide their name and email address, establish a password, and identify their gender, age, and zip code. Users create a profile of themselves that is reflective of their personality, and can contain pictures and personal information. Profiles are visible to other meetme members by default, although users can set more stringent privacy restrictions if they chose to do so. Through meetme, users can play games, communicate through live video chat, and find other users who are located in the same geographic area.

7. L.W. said she was contacted through meetme in January or February 2012 by someone using the name "Beth Johnson." L.W. said "Beth Johnson's" meetme profile showed "Beth" was 16 years old and bisexual. "Beth's" profile did not include a photograph. L.W. reported that she and "Beth" began texting, and in some of the text messages, they chatted about bisexual activity. "Beth" sent a photo of a female naked from the neck down, and asked L.W. to send a similar photo back. L.W. did not.

8. L.W. stated that about three weeks after she and "Beth" became friends, "Beth" asked L.W. if L.W. would like to meet a 16-17 year-old boy named "Billy," who was "Beth's" friend. L.W. agreed. "Beth" gave "Billy's" phone number to L.W., and asked for L.W.'s number to give to "Billy."

9. L.W. said she called "Billy." "Billy" told her he was sixteen years old, and about to turn seventeen. "Billy" said he lived near Hazel, Kentucky; that he had flunked out of high school; and that he worked as a truck driver. L.W. and "Billy" began to text back and forth. Through text messages and phone conversations, "Billy" and L.W. discussed sex. During one phone conversation, L.W. said "Billy" asked her to have sexual intercourse with him, and also told L.W. that he wanted his friend "Beth" to join them in the activity. When L.W. told "Billy" she did not want to participate in a three-way encounter, "Beth" immediately sent L.W. a text message, stating that it would be fun to do that. L.W. said "Billy" told her that if she didn't want a sexual relationship they didn't have to have one. L.W. said "Billy" sent her a picture of a man's penis.

10. L.W. noticed that if she failed to answer her phone when "Billy" called, "Beth" would immediately send L.W. a text message asking why L.W. had not answered "Billy's" call.

11. L.W. reported that in March or April, 2012, "Billy" asked L.W. to meet him. They made arrangements to meet on a Friday night at a park near L.W.'s residence. "Billy" told L.W. he would pick her up and they could go to his house because his

parents would be at work. At the appointed time, "Billy" arrived in a reddish pick-up truck and L.W. got in the cab.

12. L.W. said as soon as she got in, "Billy" began to drive and she heard the doors lock. L.W. said she could tell right away that "Billy" was older than he had told her he was. L.W. said "Billy" apologized for not being truthful with her. He told L.W. he was divorced, and worked as a truck driver. L.W. said "Billy" put his hand on her thigh, and asked her if that bothered her. When L.W. said it did, "Billy" removed his hand. "Billy" took L.W. to his home in Hazel, Kentucky. L.W. said "Billy" asked her to sleep on the couch with him; asked her for a hug, and tried to kiss her. L.W. made up a story to get "Billy" to take her back home. L.W. gave a detailed description of the route "Billy" took driving L.W. to his home and back. L.W. also described "Billy's" appearance, vehicle, and residence in great detail.

13. Based on L.W.'s descriptions, Investigator Vandiver suspected "Billy" was actually Billy Ray Wyatt (hereinafter, WYATT), an individual with whom Vandiver had had previous contact.

14. On February 11, 2013, Vandiver assembled a six-photograph array that contained an image of Wyatt. L.W. identified Wyatt as the person who picked her up in the park near her home and took her to Kentucky.

15. Kentucky vehicle registration records indicate WYATT has a 1986 red pick-up truck registered to him at the address of 576 Tyler Road in Hazel, Kentucky.

16. On February 15, 2013, Vandiver drove from the park where L.W. was picked up to WYATT's residence on Tyler Road in Hazel and found the route compatible with the descriptions L.W. gave about the drive to "Billy's" house.

15. On February 11, 2013, Officer Taylor set up a profile on meetme. Taylor used the name "Ellyse Smith" and posted a photograph of painted toenails on the profile page. As "Ellyse," Taylor would be able to search meetme for names of meetme users who had made initial contacts with L.W. and others at her school.

16. On February 27, 2013, "Carrie Williams" contacted "Ellyse" (Officer Taylor) by text message through meetme. According to her profile, "Carrie Williams" was 18, in Murray, Kentucky, and looking for "open minded bi girls who aint all talk." There was no picture posted on "Carrie's" profile. The message from "Carrie" read: "hey whats up can we text if so send ur number".

17. On or about February 28, 2013, the Henry County Sheriff's Office sought the assistance of the FBI's Memphis Child Exploitation Task Force (MCETF). Task Force Officer (TFO) Terry Buckley opened an undercover (UC) operation, and eventually took over the "Ellyse" profile established by Officer Taylor. TFO Buckley replaced the picture of painted toenails on "Ellyse's" profile with a picture of a young-looking Jackson Police Department detective, Ysenia Perez. The profile also indicated

that "Ellyse" was 15 years old, from Palmersville, Tennessee, and wished to meet "girls and guys age 15-19 near me."

18. On March 19, 2013, TFO Buckley, as "Ellyse," responded to the February 27th message from "Carrie" with "hey," and "7313457049".

19. On April 2, 2013, "Carrie" responded to "Ellyse's" message with "Hey this is carrie from meet me". The text from "Carrie" came from phone number 2702068059.

20. The internet data base AreaCodeLocations.info shows the entire western third of the state of Kentucky falls within the area code 270.

21. On April 2, 2013, "Carrie" and "Ellyse" communicated by text messages for several hours. TFO Buckley as "Ellyse" said "she" lived in Palmersville and was 15. "Carrie" and "Ellyse" exchanged texts about sex and masturbation. "Carrie" said she was bisexual, and had "a special man that helps me out" and was the "most awesome lover around." "Carrie" told "Ellyse" her friend "lives close to you north of ur town at tie (sic) state line", is "a country boy" and said "he will just eat you and not fuck you". "Carrie" told "Ellyse" that she sent her friend a text, asking him to "spoil" "Ellyse." "Carrie" said her friend's name was "Billy." "Carrie" then sent "Ellyse" a picture of a penis and said it was "Billy's." "Carrie" asked "Ellyse" if she had any nude pictures of herself, and asked "Would you take a pic of ur tits for me." "Carrie" said "Billy" had a car and a truck so he could get together with "Ellyse." "Carrie" said she would like to have a three-way sexual encounter with "Billy" and "Ellyse" and described what they would do. "Carrie" said "Billy's" phone number was 731-363-8512.

22. On April 3, 2013, "Billy" contacted "Ellyse" by text message from phone number 731-363-8512. Almost simultaneously, "Ellyse" received a text message from "Carrie." TFO Buckley as "Ellyse" exchanged text messages with each of them for several hours. "Ellyse" told "Billy" she was fifteen. "Billy" described sexual acts he would perform on "Ellyse" if they were together.

23. On April 3, 2013, "Billy" asked "Ellyse" to call him on the phone. TFO Buckley recorded the ensuing phone call, during which "Billy" talked to "Ellyse" about masturbation and how men can better satisfy females sexually than boys can.

24. On June 27, 2013, your Affiant visited the website for meetme, and noted that the profile for "Carrie Williams" is still active.

25. Tennessee Code Annotated (T.C.A.), Section 39-13-506 (Statutory Rape) provides that "(b)(2) Statutory Rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when: (1) The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than (5) years older than the victim." It is a Class E felony offense. A person commits criminal attempt, pursuant to TCA 39-12-101, when acting with the kind of culpability otherwise required for the offense the person acts with intent to complete a course of action to cause a

result that would constitute the offense, under the circumstances surrounding the conduct as the person believes them to be, and the conduct constitutes a substantial step toward the commission of the offense.

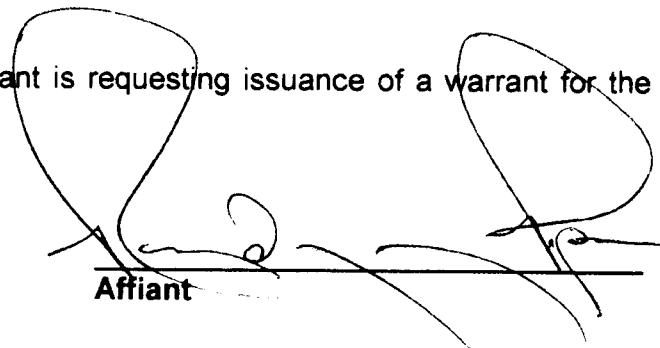
26. Pursuant to Kentucky Revised Statute § 510.060, a person who is twenty-one years of age or older commits the crime of Rape in the third degree if he or she engages in sexual intercourse with another person less than sixteen years old.

27. Through training and experience, your Affiant is aware that individuals with sexual interests in minors will frequently "groom" the minors before sexually assaulting them. Grooming is a process by which trust is built by the perpetrator in an effort to break down resistance on the part of the minor subject. Trust is often built by befriending a minor, providing a minor with gifts, and singling a minor out for special treatment.

28. Your Affiant is aware, through training and experience, that individuals with sexual interests in minors are often adept at communicating in ways adolescents communicate with one another, such as through text messaging, online internet gaming, and social networking. These individuals capitalize on the access that modern technology provides in an effort to locate minors who may be vulnerable to such an approach.

Your Affiant believes that the above constitutes evidence of violation of a federal criminal statute, specifically, Title 18, United States Code, Sections 2422(b).

Based upon the above, your Affiant is requesting issuance of a warrant for the arrest of Billy Ray Wyatt.



A handwritten signature consisting of two large, stylized loops at the top, a smaller loop in the middle, and a horizontal line at the bottom. Below the signature, the word "Affiant" is printed in capital letters.

Pursuant to Federal Rule of Criminal Procedure 4.1, the undersigned judicial officer has on this date considered information communicated by [] telephone or [] other reliable electronic means or [] both, in reviewing a complaint and/or deciding whether to issue a warrant or summons. In doing so, this judicial officer has placed the affiant under oath and has confirmed by speaking personally with the affiant on the telephone [] that the signatures on the complaint and affidavit are those of the affiant or [] that the affiant has authorized the placement of the affiant's signatures on the complaint and affidavit, the documents received by the judicial officer are a correct and complete copy of the documents submitted by the affiant, and the information contained in the complaint and affidavit are true and correct to the best of the affiant's knowledge.

Sworn to and subscribed before me by telephone this 28th day of
June, 2013.

United States Magistrate Judge